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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement*/ submitted by the Romanian Independent Society of Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[9 January 2001]

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

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1. SIRDO's main objective is the protection and the promotion of human rights and fundamental freedoms. As early as its establishment, in the year 1990, the programmes of the organisation have been mainly focused on the assistance, the juridical counselling and the support offered to the disfavoured categories: victims of the infringement of human rights during the penal process, victims of torture, victims of domestic violence, persons deprived of freedom who are in the police lock-ups or in penitentiaries, foreigners, refugees, migrants etc.;

2. By this report we request the attention and the intervention of the Commission cn Human Rights as regards three situations in which women in Romania are submitted to acts of violence, namely: a) domestic violence; b) violence and the practice of torture in police lock-ups; c) violence and ignoring the right to health in penitentiaries.

a) Women who are submitted to acts of violence do not rejoice total protection from the state in the case of domestic violence.

An important chapter is the programme "Genesis", focused on actions of monitoring Romania's respect for the pledges regarding the revision of legislation and the practice of state institutions on the basis of the provisions of the UN Convention on the Elimination of All Forms of Discrimination against Women and the implementation of the Beijing Platform on the integration of women's fundamental rights in the gender perspective. Among SIRDO's activities, an important position is held by the juridical counselling of the victims of domestic violence.

In the year 1999, SIRDO presented to the Commission on Human Rights on its 56th session, a written statement (E/CN.4/NGO/42, Item 12 (a) of the provisional agenda) referring, among other things, to the necessity to harmonise the national legal framework to the international standards, so that it should allow efficient actions from the state institutions, especially Police and Justice.

- By Law no. 197 for the modification and completion of provisions from the Penal Code, issued in the Official Monitor on 15 November 2000, the Parliament of Romania adopted measures that sanction the acts of violence within the family and place the victims who are usually women and children under protection. By the decision of the Prime Minister of Romania, appointed after the elections in November-December 2000, starting with 4 January 2001 the law application was suspended and thus the main reform measure for the protection of victims of domestic violence was implicitly annulled, alongside with the mechanism for the settlement of the institutional policies and programmes of intervention and support.

In our opinion, the Commission on Human Rights, together with the Committee on the Elimination of Discrimination against Women should establish the monitoring of the manner in which the state institutions respect the pledges that devolve from the internal and international human rights norms. We also request the intervention of the Special Rapporteur on violence against women, who received from Romania requests from the victims to be supported. We consider that the mutual

radical intervention that these organisms must have should take the following landmarks into consideration:

- the monitoring of the concrete actions of the Romanian government regarding the harmonisation of the internal legislation with the international standards with a view to a well-grounded reconsideration of the role of Law no. 197/2000, as well as the law's application by annulling the measure of suspending its application

- the respect for the provisions of the Governmental Decision no. 852/23.09.1996, by means of which the Pilot Centre for the Protection and Assistance of Victims of Domestic Violence was established; support for the development of a national network of centres and the improvement of equipment and conditions that are necessary for the development of assistance of victims of domestic violence;

- the initiation of programmes meant for the education and training of public servants, of police officers and magistrates on activities of assistance, representation and intervention in cases of domestic violence and on notions on equality and gender;

- concrete support for women who are victims of domestic violence by means of free juridical assistance in order to accomplish their access to national and international justice;

- the removal of the Division for the Equality of Opportunity, the General Division for the Coordination of Women's Rights and the Division of Elaboration of Family Policies from the Ministry of Labour and Social Protection and their establishment under a unique name as a State Secretariat for the promotion of gender policies and their special involvement for doing away with the phenomenon of violence against women;

b) Another phenomenon that we wish to submit to the attention of the Commission on Human Rights is violence against women when the state is the main persecution agent. We can appeal to numerous reports received from women who are in police lock-ups or in penitentiaries. These reports look in detail into the manner in which the police officers submit women in police lock-ups to torture, inhuman or degrading treatments - which many times have sexual implications also.

Having in view the fact that the national legal system contains clear provisions as regards the interdiction of acts of torture - the Constitution (art. 22, par. 2) the Penal Code (art. 267, par. 1), the Code of Penal Procedure (art. 5, par. 1) - and that Romania ratified in 1994 the Convention against Torture and has the obligation to respect the international and regional norms that stipulate the rights and obligations of persons deprived of freedom, we insistently request the intervention of the Commission for establishing the following measures:

- to put a stop and prevent the acts of violence against women, happening in police lock-ups;
- priority of women victims of torture to justice;
- punishment against the guilty people;
- the respect of the right to an effective remedy.

Consequently we request that the Commission should include in its mechanisms the Committee against Torture, the Committee on the Discrimination against Women, and use the competence of the Special Rapporteur on Violence against Women and of the Special Rapporteur on Torture who until now have received a number of approximately 40 cases from Romania.

c) Women have also informed us by means of their reports - that they have signed and dated - that the right to health is ignored in the penitentiaries in Romania, including cases where pregnant women do not benefit of appropriate food or competent medical care.

Many times the gender principles are not respected, and quite often the chiefs of the women sections in penitentiaries are men who often behave in a violent manner.

By this report, we request the support of the Commission, the Committee on the Discrimination against Women and the UN Rapporteurs on Torture and Violence against Women who have received cases from Romania dealing with these issues, for:

- the establishment of positive measures with a view to organising a penitentiary area where the treatment of women deprived of freedom should be adapted to international standards;
- women in penitentiaries should have access to justice and they should be supported for building their defence;
- punishment against the persons who are guilty of acts of torture or violence;
- the cancellation of SIPA - Independent Unit for Protection and Anti-Corruption - a descendant of the former security service, which is guilty of acts of diversion and instigation of women detainees one against the other and against the penitentiary staff, and whose attributions overlap those of the penitentiary staff, the latter being also responsible for creating an environment dominated by diversion and suspicion.;
- counselling and support for taking the measure of demilitarising the police and the staff of the penitentiaries, who, under the cover of the military orders, hinders the possibility of an independent administration control in the detention areas

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